

IN THE COURT OF ADDITIONAL SESSIONS JUDGE
(CENTRAL) TIS HAZARI COURTS, DELHI

SC No. 29/2016
FIR No. 713/2015
PS Paharganj
State Vs. Vipin @ Judi & Ors.

19.2.2018

Present: Sh. Ayub Ahmad Qureshi, Advocate for applicants namely accused Vipin @ Judi (application for regular bail) and for accused Vikas @ Deepak @ Kana (application for interim bail).
Sh. Ghanshyam Srivastava, Ld. Addl. P. P. for State.

Arguments heard.

First I will take up the bail application of applicant/accused Vipin @ Judi (A-1).

The allegations in the present case are that on 18.10.2015 during the time between 10:30 pm to 11:30 pm, the accused persons attacked Prakash Kapde near Hotel Kama, Rajpur Road, Chuna Mandi, Pahar Ganj, Delhi and also attempted to rob him. Prakash Kapde had come from Baroda for business purposes and had stayed in Hotel Kama. At about 11:00 pm, he went out of the hotel for purchasing ice-cream. When he was coming back to hotel, accused persons caught hold of him. As per testimony of Prakash Kapde (PW3), accused Vikas had hit him with the knife but he could not see the faces of other assailants. However, another eye witness namely Darshan Patel (PW2), who was staying in the said hotel, had gone to purchase a mobile phone and when he was coming back, he saw that two persons were scuffling with Prakash Kapde. He identified accused Vikas (A-2) inflicting knife blows to Prakash Kapde. PW2 testified that accused Vipin @ Judi (A-1) i.e. the applicant herein had caught hold of Prakash Kapde and accused Vijay (A-3) was watching the incident from some distant.

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It is pertinent to note here that CCTV camera was installed on the gate of Hotel Kama and incident was captured. The CDs containing CCTV footage was played in the court. Vide order dated 7.10.2017, I have mentioned that special features of the assailants are not visible in CCTV footage. On this ground, Ld. Defence Counsel has moved this application for accused Vipin @ Judi (A-1).

I may point out that this is the second bail application on behalf of A-1 on this ground. Aforesaid ground was considered by me in order dated 3.11.2017 passed on the first bail application of A-1. The said bail application was dismissed vide order dated 3.11.2017 and no new ground has arisen for grant of bail. Bail application of accused Vipin @ Judi (A-1) is hereby dismissed.

The second bail application for interim bail of accused Vikas @ Deepak @ Kana (A-2) is considered. The application was filed on the ground that Akash, the younger brother of applicant, is ill and applicant wants to help him for the treatment of Akash. Therefore, it is prayed that applicant may be granted interim bail for one month.

Reply was filed in which it was stated that Akash had got an injury in his childhood and he is being treated in Safdarjung Hospital. No subscription slip was provided and the fact of illness of Akash could not be verified. In view of this situation, there is no ground for grant of interim bail to applicant namely Vikas @ Deepak @ Kana (A-2).

Application is accordingly disposed of.

Put up on date fixed i.e. **13.3.2018** for remaining prosecution evidence.

(Vinod Kumar)
Additional Sessions Judge
(Central) Tis Hazari Courts
Delhi/19.2.2018